

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MMA Consultants 1, Inc.,

Plaintiff,

v.

No. 15-cv-5551

The Republic of Peru,

Defendant.

DECLARATION OF VANESSA SODERBERG

I, Vanessa Soderberg, hereby declare under penalty of perjury as follows:

1. I am an associate at White & Case, counsel for Defendant, the Republic of Peru. I am a member in good standing with the State Bar of New York. My business address is 1155 Avenue of the Americas, New York, New York 10036.

2. I submit this declaration in support of Defendant's Motion to Dismiss the Complaint filed by Plaintiff MMA Consultants 1, Inc. ("MMA") under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). The statements set forth below are based upon information and belief formed after a reasonable investigation.

3. Attached hereto as Exhibit A is a certified translation of excerpts from the Peru-GCC Award, 15 Rep. Int'l Arbitral Awards (Chile-Fr. 1901), available at http://legal.un.org/riaa/cases/vol_XV/77-387.pdf.

4. Attached hereto as Exhibit B is a certified translation of the contract (the "Contract") between the Guano Consignment Company ("GCC") and Peru, providing for the creation and issuance of the Certificates. The Contract is available in the Peruvian National Archives.

5. Attached hereto as Exhibit C is a true and correct transcription to the best of my knowledge of the face of the Certificates, which are attached as Exhibits 1-5 of the Complaint.

6. Attached hereto as Exhibit D is a certified translation of an excerpt from Peru's Intervention in the Arbitral Proceedings. The Spanish language version of Peru's Intervention in the Arbitral Proceedings is available at https://books.google.com/books?id=wwY5AQAAIAAJ&printsec=front cover&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=false.

7. Attached hereto as Exhibit E is a certified translation of Annex 106 of Peru's Ordinary Congress of 1907, retrieved from the Ministry of Finance and Commerce records.

8. Attached hereto as Exhibit F is a certified translation of Peru's Law No. 8599, the Statute of Limitations on Government Debt, passed in 1937.

9. Attached hereto as Exhibit G is a certified translation of Oficio No. 025-2012-EF/52.01, a letter from Peru's Ministry of Economy and Finance to Patrick J. Ahern, dated April 18, 2012.
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10. Attached hereto as Exhibit H is a certified translation of Oficio No. 010-2009-EF/75.20, a letter from Peru's Ministry of Economy and Finance to Jose Mainza Segovia, dated January 13, 2009, concerning certain Certificates.

11. Attached hereto as Exhibit I is a true and correct copy of an offer to sell certain Certificates on eBay, retrieved on January 28, 2016.

12. Attached hereto as Exhibit J is a true and correct copy of SEC Litigation Release No. 15989 (Dec. 1, 1998), available at <https://www.sec.gov/litigation/litreleases/lr15989.txt>, retrieved on April 4, 2016.

13. Attached hereto as Exhibit K is a true and correct copy of SEC Litigation Release No. 18393 (Oct. 6, 2003), available at <https://www.sec.gov/litigation/litreleases/lr18393.htm>, retrieved on April 4, 2016.
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I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 4, 2016
New York, New York

WHITE & CASE LLP

By:



Vanessa Soderberg
1155 Avenue of the Americas
New York, New York 10036
Telephone: (212) 819-8891
vanessa.soderberg@whitecase.com